

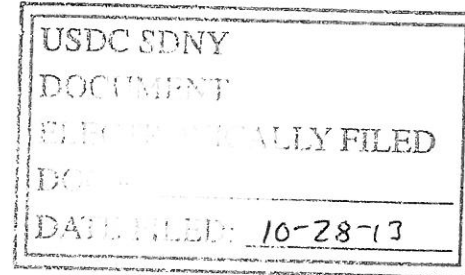


U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

October 25, 2013



By ECF

The Honorable Paul A. Crotty
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Residents for Sane Trash Solutions, Inc., et al. v.*
United States Army Corps of Engineers, et al.,
12 Civ. 8456 (PAC)

Kellner, et al. v. United States Army Corps of
Engineers, et al., 12 Civ. 8458 (PAC)

Dear Judge Crotty:

This Office represents defendants the United States Army Corps of Engineers and Colonel Paul E. Owen (collectively, "USACE") in the above-referenced, related matters. I write with the consent of all parties to respond to the Court's request for a statement regarding the effect of the recent lapse in Department of Justice ("DOJ") funding and the tolling order entered by Chief Judge Preska on deadlines in this case.

Prior to the lapse in DOJ funding, pursuant to two requests for extensions that were granted by the Court, *see Sane Trash Solutions* Dkt. ## 40, 42; *Kellner* Dkt. ## 45, 47, the briefing schedule was as follows: opening briefs were due on October 11, 2013; opposition briefs were due on November 15, 2013; and reply briefs were due on December 20, 2013.

The parties have conferred concerning the effect of Chief Judge Preska's order on the briefing schedule in these cases and agree that the order modifies the schedule as follows: opening briefs are due on October 28, 2013; opposition briefs are due on December 2, 2013; and reply briefs are due on January 6, 2014.

MEMO ENDORSED

SO ORDERED: 10-28-13

Paul A. Crotty
HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

We thank the Court for its consideration of this letter.

Respectfully submitted,

PREET BHARARA
United States Attorney for the
Southern District of New York

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